

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY:	DEPUTY

DONALD ROBIN BARREN,

Plaintiff,

Vs.

Case No. : 2:19-cv-00142-APG-VCF

JAMES DZURENDA, Director et al.,

MOTION FOR RECONSIDERATION

OR IN THE ALTERNATIVE MODIFY

Defendants

Comes now Donald Robin Barren, Plaintiff respectfully move the honorable court pursuant to United States District Court District Of Nevada's Local Rules of Practice LR 16.1-3; LR 16.1-21 Good Faith Participation; and LR 22- 2. Specifically the honorable court dismissed defendant's Branden Everett; Caseworker Hernandez; Minerva De La Torre; and Michael Keeler, for failure to timely serve the defendants

Thus the Plaintiff respectfully request that the Honorable Court reconsider its December 15, 2021, Order Dismissing Defendants. id.

The Plaintiffs request is based on his assertion that his circumstances differ under the status of being on parole and under the authority of the named defendants in this case where a prisoner in Nevada does not have a constitutionally protected liberty interest in being released on parole, only in having access to a parole hearing. Moor v. Palmer, 603 F.3d 658, 662, 663, (9th cir. 2010). Also, " the Nevada Supreme court noted that because credit deductions only serve to make an inmate eligible for parole earlier", there is no relief available when the offender has already expired his sentence. See Williams v. Nevada State Dept. of Corr., 133 Nev. 594, 600 n. 7, 402 p.3d 1260,1265 n. 7 (2017).

The Plaintiff maintains and says that he has not expired his sentence nor can he ever under the authority of these defendants where the record clearly shows a fortiori. By there on admissions they did deny to the Plaintiff his benefits to anything beneficial under the laws of Nevada. i.e., Nevada Revised Statutes.

In furtherance the Plaintiff maintains and says that Michael Keeler; and Minerva De La Torre, retaliated after they learned that he exercised his right to challenge their authority under the Law and United States Constitution through the Nevada State District Court.

Thereafter through collaboration initiated by the executive secretaries viable position with the vicarious authorities invested to her in violation of the Plaintiff's 1st Amendment right. Simply put, 1. The plaintiff has credit deductions earned as admitted by the defendants. However, 2. The defendants refuse to give the plaintiff any benefit whatsoever. "credit deductions 'only serve' to make an 'inmate eligible for parole earlier' " id.

In retrospect, to the attorney Generals claim that they “advised the court and Barren that the Nevada department of Corrections could not identify Hernandez’s identity and did not know the last known address for De La Torre. ECF No. 38 at 2; 39 at 2. However, “the last known address for defendants Keeler and Everett {are} under seal.” Id.

For the record common since tells me that it would not be a good idea to try and contact any of these defendants under my circumstances. i.e., ex felon on parole looking for the parole board commissioners that violated his Constitutional rights by calling him back to the parole board and giving him an additional one year of imprisonment for exercising his right.

Moreover, may I respectfully request that the Honorable United States District Court give the Plaintiff the opportunity to submit USM-285 form in its final order and decision where the covid-19 pandemic, inter alia., has hindered every effort to leave the house in a safe and timely manner to meet this honorable court’s deadline.

Therefore the Plaintiff prays for relief within his request for reconsideration to allow him 7 days in which to submit USM-285 form with leave of court forthwith.

Respectfully Submitted

Dated this ^{14th} day of December, 2021.

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In Propria Persona


Donald Robin Barren

Plaintiff

Certificate Of Service

The State of Nevada ss:

Clark County

I, Donald Robin Barren, Plaintiff deposes and says that I am the affiant in propria persona and that I mailed a true and correct copy of the attached MOTION FOR RECONSIDERATION to each of the following interested parties:

AARON D. FORD, Attorney General; Jared M. Frost, Senior Deputy Attorney General

555 E. Washington Ave., Ste. 3900

Las Vegas, Nevada 89101.

E-Mail: jfrost@ag.nv.gov

That the same is stated under the penalty of perjury pursuant to 28 U.S.C. sec.1746

Case No. 2:19-cv-00142-APG-VCF

Dated this ^{24th} day of December, 2021.

In propria Peraona


Donald Robin Barren

ORDER

This motion is granted. The plaintiff's second amended complaint (ECF No. 55) is deemed timely filed for purposes of my prior order (ECF No. 50)."

IT IS SO ORDERED:

Dated: January 11, 2022



ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE